

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
APRIL 24, 1997
IN COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Vice-Chairperson Anderson at 9:09 a.m.
Chairperson Neils adjourned the meeting at 5:25 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Christopher Neils-present
Vice-Chairperson William Anderson-present
Commissioner Patricia Butler-present
Commissioner Verna Quinn-not present
Commissioner Andrea Skorepa-present
Commissioner David Watson-present
Commissioner Frisco White-present
Betsy McCullough, Community Planning & Development Manager-present
Rick Duvernay, Deputy City Attorney-present
Tina Christiansen, DSD Director-not present
Gary Halbert, Deputy Director, DSD-present
Rob Hawk, Engineering Geologist, DSD-present
Linda Lugano, Recorder-present

ITEM-1: **ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD.**

None.

ITEM-2: **REQUESTS FOR CONTINUANCE FOR MORNING AGENDA ITEMS.**

None.

ITEM-3: **DIRECTOR'S REPORT.**

None.

ITEM 3A: **COMMISSION COMMENT.**

None.

ITEM-4: ***THE FOLLOWING ARE TENTATIVE RECOMMENDATIONS MADE BY THE PLANNING COMMISSION. THE FINAL RECOMMENDATIONS TO CITY COUNCIL WILL BE MADE ON MAY 1, 1997.***

ADOPTION OF THE LAND DEVELOPMENT/ZONING CODE UPDATE, AMENDMENTS TO THE SAN DIEGO MUNICIPAL CODE, AND REZONING OF SINGLE UNIT RESIDENTIAL PROPERTY.

Kelly Broughton presented Report to the Planning Commission No. P-97-077.

Testimony On issue No. 1 - Environmental Impact Report Adequacy by:

Al Strohlein. General comments about the notice not being received in time to attend, and about General Plan consistency.

Gerri Stryker, Craig Adams and Mitch Lizar. CPC chairs organized presentation. Requested additional information about what the impact of the shift between community plans and the code will be and what is needed. Want specific examples to be added. Elimination of subjectivity eliminates community involvement. No identification of where subjectivity has been eliminated.

Change summary quotes on street easements not detailed enough and not consistent with community plans.

Joanne Pearson. Representing herself. Conflicts between EIR's on MSCP and the code. Categorical exclusion not being analyzed. Where is the coastal issues on the list? Issue of looking at issue from plan to ground vs. plan to plan is difficult and requested clarification.

Opal Trueblood. Supports CPC's position. NO CAC position, why? Does not support the document.

Rikki Alberson. Alliance for Habitat Conservation recommending recirculation of EIR and revisions. Does not feel the MSCP and Code EIR's are consistent. Concerned that this will open MSCP up to challenge.

Michael Beck. Habitat League. Supports CPC issues and position. Feels it is important that changes be made to address the concerns that have been raised using specific examples.

Public testimony was closed on issue No. 1

COMMISSION ACTION:

Action to be provided on May 1, 1997.

Testimony on Issue No. 2 - Community Review by:

Joanne Pearson. Application requirements not done. Plans are schematic and not specific enough to review. Questions the role of support documents.

Opal Trueblood. Concerned with fee for appeals. Need to recognize groups other than recognized groups and need to be considered when talking about fees for appeals.

John Ziebarth. AIA supports Process Two time changes. Feels appeals should be paid for by loser of appeal. Feels a process should be developed to look at more things being lowered to Process Two.

Bob Lewis. Proposed modified language to say that the manager "shall" continue the time period, not "may". Requested commitment to distribute assessment letters prior to decision by the community planning groups.

Gerri Stryker, Craig Adams, Anna Major. Support the changes to Process Two. Would request that changes be made to language in section to clarify who can request the additional time by the group. Questions about where PDO's would be in the proposed code.

Public testimony was closed on issue No. 2.

COMMISSION ACTION:

MOTION BY BUTLER TO APPROVE THE MANAGER'S RECOMMENDATION ON 2A PROCESS TWO DECISION PERIOD, WITH CLARIFICATION LANGUAGE THAT THE EXTENSION SHALL BE GRANTED AND THAT THE 20 DAYS WILL BE IN ADDITION TO THE 11 DAYS. Second by Anderson. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY SKOREPA TO DENY THE MANAGER'S RECOMMENDATION AND DENY ALL FEES ON 2B. Second by White. Passed by a 4-2 vote with Commissioners Butler and Watson voting nay and Commissioner Quinn not present.

MOTION BY WATSON TO APPROVE THE MANAGER'S RECOMMENDATION ON 2C. Second by White. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY WATSON TO RECOMMEND ELIMINATION OF PROCESS TWO AND NDP AND NUP BE A PROCESS THREE DECISION WITH APPEAL TO THE PLANNING COMMISSIONER ON 2D. Second by White. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY SKOREPA TO RECOMMEND ON 2D ELIMINATION OF THE BZA AND HAVE APPEALS HEARD BY THE PLANNING COMMISSION; ADD LANGUAGE TO SPECIFICALLY REFERENCE THE RELATIONSHIP OF PDO'S TO THE LAND DEVELOPMENT CODE. Second by Watson. Passed by a 6-0 vote with Commissioner Quinn not present.

Public Testimony on issue No. 3 - Historical Resource Regulations by:

John Ziebarth. AIA appreciates the modification that allows areas to be exempted from review. Requests the review process be allowed prior to plan check process.

Public testimony was closed on issue No. 3.

COMMISSION ACTION:

MOTION BY SKOREPA TO APPROVE THE MANAGER'S RECOMMENDATION ON ITEM 3A WITH THE ADDITION OF INTERESTED PARTIES BEING ADDED AS A LIMITATION TO WHO CAN APPEAL. Second by White. Passed by a 4-1 vote with Commissioner Watson voting nay and Chairperson Neils and Commissioner Quinn not present.

MOTION BY BUTLER TO APPROVE THE MANAGER'S RECOMMENDATION ON ITEM 3B WITH MODIFICATION TO CLARIFY THAT THE PROCESS CAN BE DONE IN ADVANCE OF THE PLAN CHECK PROCESS. Second by Watson. Passed by a 5-0 vote with Chairperson Neils and Commissioner Quinn not present.

MOTION BY WATSON TO RECOMMEND APPROVAL OF THE MANAGER'S RECOMMENDATION ON ITEM 3C. Second by White. Passed by a 5-0 vote with Chairperson Neils and Commissioner Quinn not present.

Public testimony on issue No. 4 - Uses in Residential Zones by:

Bob Lewis. Torrey Pines group is opposed to companion units in the Coastal Zone. Mr. Lewis personally supports the Process 3 CUP for companion units as a reasonable proposal.

Joanne Pearson. Impacts are not discussed in the EIR. Concerned with this being a "zone buster". Shared parking is being extended to residential uses. Traffic issues. Enforcement concerns.

Opal Trueblood. Doesn't support companion units. Supports minimum stay requirement. Traffic and parking concerns with companion units along with coastal access.

Carol Emerick. Misses the code index. Supports B&B's by right for two rooms. Concerned with time limits. Does not agree that B&B's are commercial uses. Concerned with parking requirements. Cost of NUP may be too high but does not yet know what the costs will be. Would request a grandfather clause be maintained in code for existing uses. Identified benefits of B&B's.

Michael O'Brien. Identified benefits of B&B's.

Public testimony was closed on issue No. 4.

COMMISSION ACTION:

MOTION BY WATSON TO APPROVE THE MANAGER'S RECOMMENDATION ON ITEM 4A ADDRESSING ALL B&B REGULATIONS. Second by White. Passed by a 4-1 vote with Commissioner Butler voting nay and Chairperson Neils and Commissioner Quinn not present.

MOTION BY SKOREPA TO RECOMMEND APPROVAL OF MANAGER'S RECOMMENDATION ON ITEM 4B. Second by Watson. Failed by a 1-4 vote with Commissioners Butler, Anderson, White and Watson voting nay and Chairperson Neils and Commissioner Quinn not present.

MOTION BY WHITE TO RECOMMEND APPROVAL OF THE CAC'S RECOMMENDATION ON ITEM 4B. Second by Watson. Passed by a 4-1 vote with Commissioner Skorepa voting nay and Chairperson Neils and Commissioner Quinn not present.

MOTION BY WATSON TO SUPPORT THE CURRENT DRAFT PROPOSAL ON 4C BUT WITH MODIFICATION TO MAINTAIN THE VACANCY RATE AND COASTAL ZONE RESTRICTIONS. Second by White. Passed by a 4-2 vote with Vice-Chairperson Anderson and Commissioner Butler voting nay and Commissioner Quinn not present.

MOTION BY SKOREPA TO SUGGEST STUDY TO DETERMINE EXISTING CONDITION ON COMPANION UNITS, (ITEM 4C). Second by Anderson. Passed by a 6-0 vote with Commissioner Quinn not present.

Public testimony on issue No. 5 - Residential Development Regulations by:

Craig Adams. Architectural projections should have offsets in habitable area to balance out allowed offsets. Wants a worst case scenario example. Do not have specific plans or significantly revise the section that has been added to the code on specific plans.

John Ziebarth. Supports the encroachments. Supports driveway setbacks. Does not have want a requirement for garages at rear. Would support additional incentives but could not identify one.

Opal Trueblood. Architectural projections could cause cumulative impacts and cause structures to be too close.

Public testimony was closed on issue No. 5.

COMMISSION ACTION:

MOTION BY WHITE TO TRAIL ITEM 5A TO MAY 1, 1997. Second by Skorepa. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY WHITE TO RECOMMEND APPROVAL OF THE MANAGER'S RECOMMENDATION ON 5B. Second by Anderson. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY WHITE TO RECOMMEND APPROVAL OF THE MANAGER'S RECOMMENDATION WITH CLARIFICATION FOR "TURNED GARAGES" ON 5C. Second by Skorepa. Passed by a 6-0 vote with Commissioner Quinn not present.

Public testimony on issue No. 6 - Bulk and Scale by:

John Ziebarth: represented development community position and AIA position. AIA supports measurement of bulk and scale and general support that phantom floor areas should be included. He does not support increase to FAR at this time and that the proposal should be tabled at this time and looked at separately from the code update.

Testimony was closed on issue No. 6.

COMMISSION ACTION:

MOTION BY WHITE TO RECOMMEND APPROVAL OF THE
MANAGER'S RECOMMENDATION ON 6A. Second by Anderson.
Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY WHITE TO RECOMMEND APPROVAL OF THE
MANAGER'S RECOMMENDATION ON 6B. Second by Butler. Passed
by a 6-0 vote with Commissioner Quinn not present.

Public testimony was taken on issue No. 11 - General Use Regulations.

Patti Krebs. Industrial Environmental Association is concerned about
manufacturing warehousing facilities not being specifically covered in the
code. Concerned about sensitive receptors being allowed in industrial
zones that preclude future industrial uses. Recommended language be
added that is consistent with state and federal law.

No action was taken on this issue at this hearing. Additional testimony
and action will be taken on May 1, 1997.

The Planning Commission meeting was adjourned by Chairperson Neils at 5:25 p.m.